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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Craig L. Brooks

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ART UNIT

PAPER NUMBER

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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/758,865
Filing Date: January 11, 2001
Appellant(s): BROOKS ET AL.

Sandra L. Godsey
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 3, 2006 appealing from the Office action mailed August 16, 2004.

The brief contains items that do not comply with one or more provision of 37 CFR 41.37. In an effort to expedite the appeal the examiner has made corrections, detailed in the examiner's answer. Please note the following sections Status of Amendments After Final, Summary of Claimed Subject Matter; and Claims Appendix.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on July 6, 2004 has not been entered.

Note: the examiner correctly indicated that the amendment to claims filed July 6, 2004 were not entered in the Notification of Non-Compliant

Appeal Brief mailed April 14, 2005. The examiner incorrectly indicated that the same amendment filed July 6, 2004 was entered in the Notification of Non-Compliant Appeal Brief mailed March 28, 2006.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. The brief is deficient because the appellant does not clearly identify in the specification by page and line number the tailpipe attachment piece, the exhaust pipe, the receiver piece, and the display piece as recited in claim 1; the display portion, displaying

information; the coupling piece, and the exhaust pipe as recited in claim 6;
and the display means, the displaying information, and the coupling means
as recited in claim 8.

Claim 1. A display apparatus, comprising: a tailpipe attachment piece 24 (paragraph 1003, page 5, lines 15-17), adapted for coupling an exhaust pipe of a vehicle 5, and a receiver piece 27, 28, & 30 (Figure 3, paragraph 1033, page 5, lines 23-28) coupled to the tailpipe attachment piece 24, wherein the receiver piece 27, 28, & 30 is adapted for coupling to a display piece 26 (page 5, lines 23-24) such that the display piece 26 hangs below the exhaust pipe (figure 1) and approximately perpendicular to the length of the exhaust pipe providing exposure to the display piece 26 from behind the vehicle 5.

Claim 6. A display piece comprising: a display portion 26 (paragraph 1003, page 5, lines 15-17), for displaying information; and a coupling piece 27, 28, & 30 (Figure 3, paragraph 1033, page 5, lines 23-28) coupled to the display portion 26 and adapted for coupling to an exhaust pipe of a vehicle 5 such that the display piece hangs approximately perpendicular to the length of the exhaust pipe (figure 1) providing exposure to the display piece from behind the vehicle 5.

Claim 8. A display piece comprising: a display means 26 (paragraph 1003, page 5, lines 15-17), for displaying information; and a coupling means 27, 28, & 30 (Figure 3, paragraph 1033, page 5, lines 23-28) coupled to the display means 26 (paragraph 1003, page 5, lines 15-17), and adapted for coupling to an exhaust pipe of a vehicle 5 such that the display means 26 hangs approximately perpendicular to the length of the exhaust pipe providing exposure to the display means 26 from behind the vehicle 5.

(7) Claims Appendix

Claims 1-10 contain(s) substantial errors as presented in the Appendix to the brief. Accordingly, claims 1-10 correctly written in the Appendix to the Examiner's Answer.

(8) Evidence Relied Upon

1,730,790	SQUIRES FRED A	10-1929
1,440,061	CONNOLLY JOHN M	12-1922
4,349,246	Binner, Tihamer S.	09-1982

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Squires, U. S. Patent 1,730,790.

3. With respect to claims 1, 6, and 7, Squire teaches a map holder comprising an attachment piece or clamps (22, 23), adapted for coupling the map holder to pipe-like structure of a vehicle and a receiver piece 26 coupled to the attachment piece, wherein the receiver piece 26 is adapted for coupling to a display piece 10 perpendicular to the length of the pipe like structure 21.

With respect to claim 2, Squire teaches a hinge means 27 for coupling the receiver piece 26 to the attachment piece or clamps 22 and 23.

With respect to claim 4, the attachment piece is adjustable to accommodate multiple size pipes. The clamps 22 and 23 are secured together using threaded keepers 25 to accommodate various size pipe-like structures 21.

4. With respect to claim 5 and 9, the keeper 27 allows the display piece/casing 10 to rotated clockwise and counter clockwise, wherein the clockwise rotation is greater than the counter-clockwise rotation. See figure 1.

5. With respect to claim 7, Squire teaches light 18 secured to the top of the casing/display portion.

6. Claims 1-3, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Connolly, U. S. Patent 1,440,061. Connolly teaches a automobile license card holder comprising an attachment piece 13 adapted for coupling the holder to pipe-like structure 11 of a vehicle and a receiver piece 18 coupled to the attachment piece 13, wherein the receiver piece 18 is adapted for coupling to a display piece 20-22 perpendicular to the length of the pipe like structure 11.

7. With respect to claim 2, Connolly teaches a coupling means 14 for coupling the receiver piece 18 to the attachment piece 13.

8. With respect to claim 3, the holder taught by Connolly is made from a single strip of material A.

9. Claims 1, 2, 6, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Binner, U. S. Patent 4,349,246. Binner teaches a clip attachment comprising an attachment piece 17 adapted for coupling the holder to pipe-like structure 19 and a receiver piece 13 coupled to the attachment piece, wherein the receiver piece is adapted for coupling to a display piece 12 perpendicular to the Length of the pipe like structure 1. Binner also teaches universal joint or ball and socket connector 15.

(10) Response to Argument

10. Applicant's arguments filed May 3, 2006 have been fully considered but they are not persuasive.

11. The applicant argues that the claims are directed to a display device for a tailpipe of a vehicle, particularly, a display device designed for attachment to an exhaust pipe to allow visibility from behind the vehicle. The appellant argues the prior none references teaches such a device. Specifically, the appellant argues for a prior art reference to anticipate a claim such a reference must include a tailpipe attachment piece and a receiver piece as recited.

12. The examiner contends that the Squires, Connolly, and Binner teach the limitation of the claimed invention. Although the devices taught by the above mentioned reference are attached to a tailpipe, these reference does anticipated the claimed invention. The examiner points out that the tailpipe is not positively recited or claimed. The applicant merely recites structure which is adapted to be attached to a tailpipe. On lines 2-3 on claim 1, for example, the applicant recites "a tailpipe attachment piece, adapted for coupling to an exhaust pipe of a vehicle". Squires clearly teaches a pair of clamping bands 22 and 23 having curved parts for engaging a post at

opposed sides thereof. See lines 89-95. Since typical tailpipe are cylindrical is shape, as seen in figures 1 and 9 of the present invention, and post in which the clamping bands of Squires are attached is cylindrical, the examiner maintains that the clamping bands 22 and 23 of Squires can be attached to the cylindrical tailpipe of a vehicle. In addition, Squires clearly teaches a receiving piece in the form of adjusting-bar or hinge member 26. See lines 96-99. The receiving piece has one end attached to the display piece 10 utilizing bolts or keepers 28 and other end is hingedly or pivotally attached to the clamping band 22. If the device taught by Squires is attached to a tailpipe, it has the ability to hang from below the tailpipe.

13. Similarly, the examiner contends the attachment loop 13 of Connolly is adapted to be attached to a cylindrical post. See lines 44-46. The examiner considers the attachment loop to correspond to the claimed attachment piece and the arms 18 to correspond to the claimed receiving piece. As discussed above, since the applicant is not positively claiming the tailpipe, the attachment loop 13 of Connolly can be attached to any suitable cylindrical post such as a tailpipe. If the device taught by Connolly is attached to a tailpipe, it has the ability to hang from below the tailpipe.

14. Further, the examiner contends that Binner clearly teaches the claimed structure of the applicant's device. the examiner contends the clip 17 of Binner is adapted to be attached to a cylindrical post. The examiner considers the clip 17 to correspond to the claimed attachment piece and the steam 14 & 16 and frame 13 to correspond to the claimed receiving piece. As discussed above, since the applicant is not positively claiming the tailpipe, the clip 17 of Binner can be attached to any suitable cylindrical post such as a tailpipe. If the device taught by Binner is attached to a tailpipe, it has the ability to hang from below the tailpipe.

Finally, the applicant has not pointed out any claimed structural limitations not taught by these references. The applicant merely argues that the reference do not teach the function.


The rejection is maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

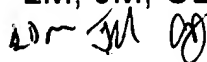


Cassandra Davis

Primary Examiner

Conferees:

LM, JM, CD



APPENDIX

CLAIMS AS PENDING

1. A display apparatus, comprising:
 - a tailpipe attachment piece, adapted for coupling an exhaust pipe of a vehicle; and
 - a receiver piece coupled to the tailpipe attachment piece, wherein the receiver piece is adapted for coupling to a display piece such that the display piece hangs below the exhaust pipe and approximately perpendicular to the length of the exhaust pipe providing exposure to the display piece from behind the vehicle.
2. The display apparatus as in claim 1, further comprising a coupling means, the coupling means adapted for coupling the receiver piece to the tailpipe attachment piece.
3. The display apparatus as in claim 1, wherein the tailpipe attachment piece and the receiver piece are formed as a single element.
4. The display apparatus as in claim 1, wherein the tailpipe attachment piece is adjustable to accommodate multiple size exhaust pipes.
5. The display apparatus as in claim 1, wherein the display piece has a first freedom of motion in a first rotational direction, and a second freedom of movement in an opposite rotational direction, and wherein the first and second freedom of motion are not equal.
6. A display piece comprising:
 - a display portion for displaying information; and
 - a coupling piece coupled to the display portion and adapted for coupling to an exhaust pipe of a vehicle such that the display piece hangs approximately perpendicular to the length of the exhaust

pipe providing exposure to the display piece from behind the vehicle.

7. A display piece as in claim 6, wherein the display portion includes at least one lighting device.
8. A display piece comprising:
 - a display means for displaying information; and
 - a coupling means coupled to the display means and adapted for coupling to an exhaust pipe of a vehicle such that the display means hangs approximately perpendicular to the length of the exhaust pipe providing exposure to the display means from behind the vehicle.
9. The display piece as in claim 8, wherein the coupling means is operative for multi-positional control of the display portion.
10. The display piece as in claim 9, wherein the coupling means is operative as a ball and socket connector.